

Serial No.: 10/691,798
Art Unit: 3643

REMARKS

Remarks

Reconsideration of the rejection under 35 USC 102(b) is hereby requested.

Claims 1 - 16 are pending in the application. Claims 1-6 and 14 - 16 stand rejected under 35 USC 102 (b) as being anticipated by the reference, U.S. Patent 5,058,312 to Jackson. Dependent claims 7 - 13 have been held allowable if re-written in independent form.

The prior art Jackson '312 patent discloses a removable nozzle insertable into a fitting. The Jackson reference also utilizes longitudinally directed rows of fins which engage the "hole" itself, and not the sides of the wall as does applicant's. These fins can damage the hole so as permit leakage of an insecticide sprayed therein. Applicant's invention utilizes an arrangement of fingers on the sleeve which fingers collapse by virtue of the threading of the fluid delivery bolt into the sleeve so as to pinchably engage the wall itself as the bolt/nozzle is threaded therethrough.

Serial No.: 10/691,798
Art Unit: 3643

REMARKS

Independent claims 1 and 14 have been amended to recite elements not shown or suggested in the prior art reference. The nozzle is not permanently installed in the prior art reference as it is in applicant's invention. The delivery bolt (nozzle) in the Jackson reference makes no adjustment to the sleeve to permit the sleeve to engage the wall as the delivery bolt is threaded there-through as does applicant's invention. The delivery bolt (nozzle) of Jackson has no fingers which collapse so as to pinch the wall between it and one of the collapsed fingers.

Thus, as stated in *W.L. Gore & Associates v. Garlock, Inc.* that ... "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." 721 F. 2nd 1540, 220 USPQ 303 (Fed. Cir. 1983). Neither independent claim has its elements in the Jackson reference.

Claim 3 also has been amended to correct the recited location of the end cap, as on the proximal end, and is so identified as such on page 8, line 5 of the specification. The independent claims, as amended are believed allowable

Serial No.: 10/691,798
Art Unit: 3643

REMARKS

over the art of record. The dependent claims, being dependent upon deemed allowable independent claims are thus themselves believed allowable. Such action is solicited.

Therefore, it is thus submitted that the claims as currently amended are now believed to be in condition for allowance, such action being respectfully requested.

Should the Examiner believe that any issue remains unresolved, the Examiner is invited to call the undersigned for a discussion of same.

Respectfully submitted,



Donald N. Halgren
Applicant's rep.
Reg. No. 27056

35 Central Street
Manchester, MA 01944

ph: 978-526-8000